



2009-2010 STUDENT HANDBOOK

SEXUAL ASSAULT POLICY

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SEXUAL ASSAULT POLICY

Philosophy Statement

Sexual assault is a crime punishable by both civil and criminal legal action and is a serious violation of College policy. **Sexual assault is any type of sexual contact without consent or permission by you. It can include touching of private body parts over or under the clothing or any form of penetration.** Such behaviors have no place at the College, where people are expected to learn and develop to their full potential. Through the sexual assault protocol, the College of St. Scholastica seeks to provide a consistent, caring and timely response when sexual assault occurs within the College community. Support and information will be available to assist students in making and reporting decisions. Programming addressing rape and sexual assault takes place throughout the year.

Students will not be charged with other secondary violations of campus policy in making a report (i.e. violations of campus alcohol policy).

If You Have Been Raped

- **If you are raped or assaulted YOU ARE NOT TO BLAME!** All people who are confronted with sexual assault or rape do the best they can, given the situation. Nothing that one does can cause a sexual assault, including having had a prior relationship with the person or using alcohol/drugs. It is never the victim's fault.
- **Call 911 to report to police** if you are in danger or need immediate medical attention.
- Get to a safe place as soon as you can and contact a close friend who can be with you as long as you need her/him. Your friend can assist you in finding an advocate from Program for Aid to Victims of Sexual Assault (PAVSA) and can accompany you to the medical exam, the police department, or counseling services.
- **Try to preserve all physical evidence:** Do not bathe, douche, use the toilet (you can save a urine sample in a jar with a lid on it), brush your teeth, drink (especially soda pop or alcohol), wash your sheets or couch cushions, or change clothing (you can put your clothing in separate paper bags).
- **Get medical attention as soon as possible.** Go to a local emergency room. A full physical exam will help assure that any injuries will be identified and treated, and concerns about possible pregnancy and sexually transmitted infections will be addressed. Forensic evidence can also be collected for potential use in criminal cases. This full medical exam, including evidence collection, will be provided free of charge at either of the Duluth hospitals. Evidence can be collected and stored if you need time to decide whether or not you want to report the crime. If you need additional assistance to obtain medical attention, Duluth Police (911), Campus Security x4000, a PAVSA advocate at 726-1931, and/or Student Health Services in Somers x6282 will help you get medical assistance.
- **Make an initial report as soon as possible.** Be AWARE: you are NOT pressing charges and no legal action will be taken without your permission, but it is important to make the initial report as soon as possible. You can make a confidential report by contacting the Campus Sexual Assault Support Staff (Teresa Aldach 723-7020, Molly Backstrom 723-6282 or Randy Barker 723-7035), or by contacting PAVSA at 726-1931. You can make an official report by contacting The Duluth Police (911) or the St. Scholastica Campus Security Office x4000). For specific information about reporting, refer to the "Options for Reporting" section that follows.
- **Seek counseling** for assistance in dealing with this kind of experience. All assaults are traumatic events. You are not alone.

RESOURCES

Campus:

Student Health Services	x6282/Somers 58
Student Center for Health and Well-Being	x6085/T2150
Student Support Services	x6594/T2150
Campus Security	x4000/T19
Campus Ministry	x6010/T20

Campus Sexual Assault Support Staff

Teresa Aldach,	x7020/T2150
Randy Barker	x7035/T2150
Molly Backstrom	x6282/Somers 58

Campus Sexual Assault Investigation Team

Steve Lyons (Adjudicator)	x6167/T2145
Angela Johnson	x5955/TG101
Tad Sears	x6017/T2750

Duluth:

Program for Aid to Victims of Sexual Assault (PAVSA) 24-hour crisis line 726-1931
32 E. 1 St., Suite 200, Duluth
Police 911
St. Mary's Hospital Emergency 407 East Third St. 786-4357
St. Luke's Hospital Emergency 915 East First St. 249-5616

POLICY PHILOSOPHY:

The College recognizes that it is in the community's best interest that the victims feel supported and encouraged to seek supportive services (medical and emotional). There are many options for survivors of sexual assault and friends to seek assistance and support.

TO SPEAK TO SOMEONE CONFIDENTIALLY ON CAMPUS:

If a student wishes to speak to someone confidentially about a rape or sexual assault without further dissemination of the report, he or she can choose to speak to one of the following:

Sexual Assault Support Staff

Teresa Aldach, Tower 2150, x7020
Randy Barker, Tower 2150, x7035
Molly Backstrom, Somers 53, x6282

Student Center for Health and Well-Being Counselors

Tower 2150, x6085
Tad Sears, x6017
Teresa Aldach, x7020
Gina Perfetti-Seppo, x6088
Randy Barker, x7035

Campus Ministers

Tower 20
Nathan Langer, x6010
Jessica Heinen, x6604

Health Services

Somers 58 (Ground Floor), x6282
Mary Beth Waage, x6282
Lee Ann Nelson, x6282
Molly Backstrom, x6282

Student Support Services Counselors

Tower 2150, x6594
Shar Mike, x5901
Tiffany Snider, x5909
Dory Pohl, x5597
Leigh Branovan, x6735

Program for Aid to Victims of Sexual Assault (PAVSA) 24-hour crisis line

726-1931
32 E. 1 St., Suite 200, Duluth

TO SPEAK WITH OTHER CAMPUS COMMUNITY MEMBERS:

The impact of sexual assault affects an entire community, not just the survivor. The trauma may invade people's emotional, mental and physical well-being, and take experienced and well-trained individuals to process the events. If students notify someone other than confidential counselors listed above, students can expect the following:

Faculty and Staff	Faculty and staff will encourage you to seek supportive and confidential services such as Sexual Assault Support Team and encourage you to submit an anonymous report. <i>The decision to report or pursue an investigation is entirely up to the survivor.</i>
Students and Peers	Should encourage you to seek supportive, confidential services such as the Sexual Assault Support Team and encourage you to submit an anonymous report <i>The decision to pursue investigation is entirely up to the survivor</i>
Resident Assistants	Are required to report to the Sexual Assault Support Team, <u>where their conversation is confidential.</u> <i>The decision to further pursue investigation is entirely up to the survivor.</i>
Dignitas Mentors	Are required to report to the Sexual Assault Support Team, <u>where their conversation is confidential.</u> <i>The decision to further pursue investigation is entirely up to the survivor.</i>
Counseling Staff	Confidential counseling and encouragement to submit an anonymous report. <i>The decision to report or pursue an investigation is entirely up to the survivor</i>
Health Services	Confidential Counseling and encouragement to submit an anonymous report. <i>The decision to report or pursue an investigation is entirely up to the survivor</i>
Campus Ministers	Confidential Counseling and encouragement to submit an anonymous report. <i>The decision to report or pursue an investigation is entirely up to the survivor</i>
Campus Security	Required report to the Dean of Students and the Sexual Assault Support Team.

OPTIONS FOR REPORTING

Students have three primary reporting options: making an anonymous report; formal reporting within the College; reporting to the police for criminal charges.

It should be made clear that The College's investigative process of a sexual assault is not a legal process and is not a substitute for making formal legal charges to the police. The College's process is a formal internal procedure with specific guidelines. You may obtain the specific operational guidelines followed in the investigation of a sexual assault by contacting a member of the Sexual Assault Support Staff or members of the Campus Sexual Assault Intervention Team.

Students are strongly encouraged to contact **Sexual Assault Support Staff** to receive additional information regarding reporting options. The Sexual Assault Support Staff team was specifically developed to serve as a resource to support students in making decisions about reporting, and to provide students with any information needed to make decisions that are right for them. The members of the Sexual Assault Support Staff include: Teresa Aldach (x7020/T2150), Randy Barker (x7035), or Molly Backstrom (x6282/Somers 58). If a member of the Sexual Assault Support Staff is not given permission to disclose information of the reported sexual assault by the reporting student, the team member must report **without disclosing any identifying information**. Members of the Sexual Assault Support Staff are confidential staff, and can assist students in making any type of report they choose, including anonymous reports, formal reports, and reports to the police. If a report of sexual assault is made to a member of the Sexual Assault Support Staff there are two options:

- **Formal Report:** Formal reports include reports to the police or reports to campus authorities. ONLY with the explicit written permission of the reporting student, Sexual Assault Support Staff will disclose to the Dean of Students specific information in regard to the reported sexual assault. See section "Making a Formal Report within the College" that follows for additional information.
- **Anonymous Report: Anonymous reporting is a way for the College to report statistics of sexual assault without the victim's proceeding with a formal report or an investigation. All personally identifiable information is kept confidential**, but statistical information must be passed on to campus law enforcement regarding the type of incident and general location (on or off campus in the surrounding area, but no addresses are given), for publication in the annual Campus Security Reports. This report helps to provide the community with a clearer picture of the extent and nature of campus crime, and supports greater community safety. Students, faculty and staff can make an anonymous report by going to the Anonymous Reporting web page or speak with a Sexual Assault Support Team Member.

MAKING A FORMAL REPORT WITHIN THE COLLEGE:

Any member of the St. Scholastica community may make a formal report of a sexual assault to those individuals responsible for the investigation of sexual assaults. The charges will then be governed by the **judicial procedures** found in this handbook. Those individuals responsible for investigation of sexual assault include: Steve Lyons, Dean of Students and Vice President of Student Affairs and Angela Johnson, St. Scholastica staff and member of the Campus Sexual Assault Investigation Team, and Tad Sears, St. Scholastica staff and member of the Campus

Sexual Assault Investigation Team. All of these parties are trained in the investigatory process and are sensitive to the dynamics involved in sexual assault. To make a Formal Report, you can contact members of the Campus Sexual Assault Investigation Team at the following locations:

- Steve Lyons, Dean of Students, Tower 2145, x6167
- Angela Johnson, Grant Proposal Specialist, Tower 1414, x6185
- Ron Berkeland, Dean, School of Health Sciences, S3210B, x7033
- Lori Collard, Vice President for Human Resources, T2101A, x6602

Sanctions

Sanctions for violating this policy include the possibility of suspension or dismissal from the College. A student charged with rape or sexual assault can be prosecuted under Minnesota criminal statutes and disciplined under the campus student code of conduct. Even if the criminal justice authorities choose not to prosecute, the College can pursue disciplinary action. This policy applies to any assault perpetrated by a College of St. Scholastica student against another St. Scholastica student, against another person on The College of St. Scholastica grounds, or any St. Scholastica student with reported allegations of perpetrating sexual assault against anyone. For additional information on campus investigation and sanctioning procedures, refer to the **Judicial Procedures** section of this handbook. Temporary sanctions and/or accommodations may be implemented during the course of an investigation (i.e. including options for probationary suspension of reported student, change in living accommodations of reported student, or academic accommodations of reporting or reported student) in order to provide for initial safety needs. Incidents perpetrated by a non-college person will be referred to the proper authorities.

Retaliation

Retaliatory or intimidating conduct against any individual who has made a sexual assault report or who has testified or assisted in any manner in an investigation is specifically prohibited. The College of St. Scholastica will investigate and take appropriate action against any student, faculty or staff member who retaliates against any person for their report of sexual assault.

Release of Information

Timely warnings must be issued to the campus community if the accused poses a substantial threat of bodily harm or danger to members of the community. The victim's name and other identifying information cannot be disclosed, but there must be enough information for students, faculty and staff to make decisions in light of any danger. In cases in which the accused does not pose a substantial threat of bodily harm or danger, the College must still report statistical information regarding the type of incident and the general location (on-campus, off-campus, in surrounding areas, etc.) for publication in the annual Campus Security Report. No further information regarding the victim or the incident may be released to the campus community in these cases. These guidelines are based on the federal Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics. All documentation regarding any incident will be kept on file in the Dean of Students' Office. All documentation will be destroyed once parties involved have graduated or terminated enrollment at the College, with the exception of documentation regarding incidents resulting in college suspension, which are on file permanently.

Rights of a Reporting Student of a Sexual Assault

Students who report sexual assault will receive an explanation of their rights both verbally and in writing. These rights include but are not limited to the following rights:

- **To have an advocate or support person with you during all meetings or hearings.**
- To have information on how the reporting and investigation process proceeds.
- To receive private and confidential medical treatment.
- **To have knowledge of and access to all campus accommodations available, including assistance in changing academic and living situations.**
- To choose whether you would like to participate in police or campus investigations.
- To have your report investigated and responded to by campus officials within three weeks.
- To not have prior sexual history or mental health history admitted in a campus hearing. Also, your testimony need not be corroborated in most situations, and you need not prove resistance to the assault.
- To not be charged with other secondary violations of policy in making a report (i.e. violations of campus alcohol policy).
- To be informed of the outcome and sanction of any disciplinary hearing.

Rights of a Reported Student of Sexual Assault

Charges brought against a student will be governed by the judicial procedures found in this handbook. Students will be notified in writing and their rights explained. These rights include but are not limited to:

- Having a support person present during any meetings or hearings.
- Timely written notice of the charges.
- Knowing who your accuser is. However, you do not have the right to confront your accuser personally.
- Information on how the reporting and investigation process will proceed, and to your rights of representation.
- A hearing on the charges.
- Written information about the outcome and sanctions of any disciplinary hearing.
- An appeal.

Charges Against Student Organizations

When there is reason to believe that a student organization has committed or promoted behavior involving the sexual assault of another student, the organization may be disciplined to the point of loss of recognition. Individual members may also be sanctioned as outlined in the previous section. A student organization is responsible for the actions of its members when they are operating on behalf of the organization.

Dissemination of Sexual Assault Policy

The College of St. Scholastica Sexual Assault Policy will be reviewed as needed. A copy of the policy will appear annually in the student handbook, the faculty handbook and the staff handbook. This policy is also available on the St. Scholastica Web site at www.css.edu

Campus Sexual Assault Programming and Events

As a part of The College of St. Scholastica's efforts to educate students and prevent sexual assaults, the following is available on campus throughout the academic year:

- Speak Up and Storm's Advocates are two student groups focusing on issues of sexual assault and violence prevention.
- October is designated as Violence Prevention Month on the St. Scholastica campus with presentations and activities regarding sexual assault and domestic violence.
- April is designated as Sexual Assault Awareness Month on the St. Scholastica campus.
- During Welcome Weekend, first year students will attend a presentation about sexual assault.
- Training in regard to issues of sexual assault will be provided on an annual basis to students, faculty, and staff.
- All faculty and staff are expected to be knowledgeable of the Sexual Assault policy and to adhere to campus policy therein.